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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : PATENT
Ralf WNUK et al. :
Serial No.: 10/587,302 : Art Unit: 1797
Filed: July 26, 2006 : Examiner: D. R. Anderson
For: FILTER DEVICE : Appeal No. _____

BRIEF ON APPEAL

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APPELLANT BRIEF
ON APPEAL UNDER 37 C.F.R. §41.37

Commissioner for Patents
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Sir:

For the appeal to the Board of Patent Appeals and Interferences from the decisions dated December 8, 2009 and April 13, 2010 of the Primary Examiner twice and finally rejecting claims 11-25 in connection with the above-identified application, Applicant-Appellant submits the following brief in accordance with 37 CFR §41.37.

1. Real Party in Interest

The inventors, Ralf Wnuk and Markus Maretyak, assigned their entire rights, titles and interests in the patent application to Hydac Process Technology GmbH of Neunkirchen, Germany.

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2. Related Appeals and Interferences

There are no other related appeals or interferences known to Appellants, Appellants' legal representative, or assignees, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

3. Status of Claims

Claims 1-10 are cancelled. Claims 11-25 are pending, are rejected, and are on appeal.

4. Status of Amendments

Subsequent to the December 8, 2009 Office Action containing the final rejection, February 12, 2010, March 10, 2010 and March 25, 2010 Amendments were filed. The February 12, 2010 and March 10, 2010 Amendments that sought to amend the specification and claims 16 and 24 or cancel claims 16 and 24 were refused consideration and entry in February 25, 2010 and March 23, 2010 Advisory Actions, respectively. An April 13, 2010 Advisory Action, replacing an April 7, 2010 Advisory Action, entered and considered the March 25, 2010 Amendment (only canceling previously added wording to the descriptive portion of the specification), but held that the Amendment did not avoid the rejections under 35 U.S.C. §112 and §103, but apparently avoided the objection to the specification under 35 U.S.C. §132(a).

5. Summary of Claimed Subject Matter

Independent claim 11 covers a filter device comprising a filter housing 10 with an unfiltered fluid inlet 20, a filtered fluid outlet 22 and a backwash fluid outlet 26 (p. 5, lines 12-20; Figs. 1-3). Filter elements 28 are in the housing 10 receiving fluid flow in one direction

for filtration and in an opposite direction for backwashing effective filter surfaces (p. 5, line 21 – p. 6, line 5; Figs. 1-3). A pivoting device 30 mounts the filter elements 28 in the filter housing 10 for sequential rotational movement about a pivot axis 36 between filtration positions in which unfiltered fluid flows from the inside to outside through the filter elements 28 and a backwashing position in which filtered fluid flows from the outside to inside through the filter elements 28 (p. 6, lines 6-13 and lines 21-25; p. 7, lines 1-5; Figs. 1-3). The pivoting device 30 has a rotatably mounted receiving part 32 mounting the filter elements 28 parallel to the pivot axis 36 along a path coaxial to the pivot axis 36 and has first and second end parts 40, 38 (p. 6, lines 10-19; Figs. 1 and 3). The filter elements 28 extend between the end parts 40, 38 (p. 6, lines 14-15; Fig. 1). The first end part 40 faces toward the fluid inlet 20 and is rotatably guided along inside of the filter housing 10 by a seal 42 (p. 6, lines 15-16; Fig. 1). A drive 34, 52, 54, 56, 58 is coupled to receiving part 32 to rotate the receiving part 32, includes a rod-shaped drive part 52 releasably connecting the first and second end parts 38, 40 and includes a pneumatic motor 34 producing alternating to and fro movements on an output part 54 convertible into a constant drive movement in a drive direction of the drive part by a free wheel device 56 (p. 7, line 7 – p. 8, line 17; Figs. 1-3).

Independent claim 19 covers a filter device comprising a filter housing 10 having an unfiltered fluid inlet 20, a filtered outlet 22 and a backwash filter outlet 26 (p. 5, lines 12-20; Figs. 1-3). Filter elements 28 are in the filter housing 10 receiving fluid flow in one direction for filtration and in an opposite direction for backwashing effective filter surfaces (p. 5, line 21 – p. 6, line 5; Figs. 1-3). A pivoting device 30 mounts the filter elements 28 in the filter housing 10 for sequential rotational movement about a pivot axis 36 between filtration positions in which unfiltered fluid flows from inside to outside through the filter elements 28 and a backwashing

position in which the filtered fluid flows from outside to inside through the filter elements 28 (p. 6, lines 6-13 and 21-25; p. 7, lines 1-5; Figs. 1-3). The pivoting device 30 has a rotatably mounted receiving part 32 mounting the filter elements 28 parallel to the pivot axis 36 along a path coaxial to the pivot axis 36 and having first and second end parts 40, 38 (p. 6, lines 10-19; Figs. 1 and 3). The filter elements 28 extend between the end parts 40, 38 (p. 6, lines 14-15; Fig. 1). The first end part 40 faces toward the fluid inlet 20 and is rotatably guided along an inside of the filter housing 10 seal 42 (p. 6, lines 15-16; Fig. 1). A drive 34, 52, 54, 56, 58 is coupled to the receiving part to rotate the receiving part 32 (p. 7, line 7 – p. 8, line 17; Figs. 1-3). A lower part of the filter housing 10 has an arcuate-shaped recess 44 over which several of the filter elements 28 can be located simultaneously in the filter position with their lower open cross sections 46 in fluid communication with that arcuate-shaped recess 44, and has a backwash recess over with the filter elements are sequentially located in the backwashing position with the free open cross sections 46 in fluid communication with it. The arcuate-shaped recess 44 is in fluid communication with the fluid inlet 20. The backwash recess is in fluid communication with the backwash fluid outlet 26 (p. 6, line 20 – p. 7, line 6; Figs. 1 and 3).

By forming the filter device in either manner, the filter device can be more effectively sealed, can operate more efficiently, particularly for backwashing and requires only a relatively small installation space. These advantages are particularly enhanced by the flow through the filter for filtration being from the inside out and for the backwashing flow being from the outside in such that the pressure of the filtered fluid can be used as the backwashing fluid and such that no additional backwashing fluid need be supplied.

6. Grounds for Rejection to be Reviewed Upon Appeal

Claims 11-18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 11, 12, 14, 15, 17-20, 22-23 and 25 stand rejected under 35 U.S.C. §103 as being unpatentable over EP Publication No. 09/00548 to Sindorf.

Claims 13, 16, 21 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Sindorf publication in view of U.S. Patent Publication No. 2003/0213127 to Wnuk.

7. Arguments

A. Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 11-18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Particular objections to wording in claims 11, 16 and 24 are raised.

(1) Claim 11

Relative to claim 11, the recitation in the last three lines of claim 11 of “and including a pneumatic motor producing alternating to and fro movements on an output part convertible into a constant drive movement in a direction of said drive part by a drive wheel device” is questioned. However, that recitation clearly and only refers to the structure illustrated in Fig. 1 and described in the original and substitute specifications as referring to a drive coupled to the receiving part (receiving element 32) to rotate that receiving part. Such drive includes a rod-shaped drive part (drive part 52) releasably connecting the first and second end parts (lower end part 40 and upper end part 38) and includes a pneumatic motor 34 producing alternating to and from movements on an output part (driven part 54) convertible into a constant drive movement in a drive direction of the drive part 52 by free wheel device 56. The drive part of claim 11 can only be drive part 52 since that part is the only feature described in the specification as the drive part and since it is the

only part described and illustrated connecting the first and second end parts 40 and 38. Driven part 54 does not connect those end parts, and thus, cannot constitute the recited “drive part” of claim 11. Since the only part described and illustrated in this application on which the pneumatic motor 34 produces alternating to and from movement is the driven part 54, only that driven part 54 can constitute or correspond to the “output part” recited in claim 11. One skilled in the art would readily recognize that the “output part” of claim 11 corresponds to the driven part 54 described in the specification. No other interpretation of the claim is reasonable.

The wording in the descriptive portion of the specification and the claims need not be identical. M.P.E.P. §2173.02 specifically provides that “a claim term that is not used or defined in the specification is not indefinite if the meaning of the term is discernible” citing Bancorp Services, L.L.C. v. Hartford Life Ins. Co., 359 F.3d 1367, 1372, 69 USPQ 2d 1999-2000 (Fed. Cir. 2004). Here the meaning of “output part” as well as the remaining language of claim 11 is clearly discernible to one of ordinary skill in the art when properly construed and interpreted in light of the drawings and descriptive portion of the specification. Since the claim meaning is discernible to one of ordinary skill in the art, the claim is not indefinite. Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings, 370 F.3d 1354, 1366, 77 USPQ2d 1081, 1089 (Fed. Cir. 2004).

(2) Claims 16 and 24

Claims 16 and 24 are alleged to be indefinite on the ground that “bar screen tube filter element” is not mentioned in the original specification or the substitute specification. However, as noted in the final Office Action, the original specification and substitute specification disclose that the “tubular wedge-wire screen filter elements preferably used have support rods...” (original specification page 8, line 11; substitute specification page 8, line 25). From this description one of ordinary skill in the art would readily discern the claim language of “a bar

“screen tube filter element” as a screen filter element with support bars or rods such that the term is not indefinite. The mere absence of the identical wording in the descriptive portion of the specification is inadequate to support a rejection for indefiniteness under 35 U.S.C. §112, second paragraph. See M.P.E.P. §2173.02 and the Bancorp and Metabolite decisions cited above.

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Thus, the pending claims are definite and comply with 35 U.S.C. §112.

B. The Rejections Under 35 U.S.C. §103 over Sindorf Publication Alone

(1) The Rejection

Claims 11, 12, 14, 15, 17-20, 22-23 and 25 stand rejected under 35 U.S.C. §103 as being unpatentable over EP Publication No. 09/00548 to Sindorf. The Sindorf publication is alleged to have all of the structure recited in claim 11, except for the reverse flow through the filter device which reverse flow is alleged to be obvious.

(2) Claim 11

Nothing in the evidence of record in this application supports the contention of obviousness relative to the reverse flow through the filter device for backwashing. Particularly, the claimed structure provides the reverse flow allowing use of the filtered fluid for the backwashing fluid rather than a separate fluid as in the Sindorf device so that significantly more than a mere reversal of parts is involved in the proposed modification. This reversal is not obvious, as alleged, and involves structural differences (particularly the backwash position with the filter elements necessarily exposed to the filtered fluid in the housing for the recited flow), rather than a mere difference in the apparatus contents during operation. While the Examiner

attempts to show that the Sindorf publication has each of the claimed parts, the rejection fails to show that the Sindorf publication has those parts in the same orientation recited in claim 11 or in an obvious variation thereof.

Additionally, claim 11 requires a drive part releasably connecting the end parts of the pivoting device. Relative to this separable or releasable connection, the statement of the Examiner refers to separable connection between the Sindorf filter housing 1 and its base section 2. However, that releasable connection is not part of a drive part connecting the ends of a pivoting device as claimed.

Specifically, the Sindorf publication discloses an arrangement in which filtration of the fluid to be filtered entering through inlet 5 passes through the filter elements 12 from the outside to the inside, as shown by the right-hand filter in Fig. 1 and the three right most filter elements in Fig. 4. The filtered fluid then passes through the interior of the filter element, and is conveyed out outlet 6. The filter element shown in the left-hand side of Figs. 1 and 4 is being backwashed by compressed air being forced upwardly through the interior of the filter element causing the debris on the outside of the filter to be discharged through passage opening 25 and out mud drain valve 34, 37. A pneumatic motor formed by a rotary drive 4 is coupled to a clutch plate 13 with kant set 16 and clutch opening 15 with the drive also including a bearing ring 14.

The Sindorf drive arrangement does not rotate a receiving part holding the filter element where the drive includes a rod-shaped drive part releasably connecting the first and second end parts and with a free wheel device. The longitudinal axis 10 referenced is not part of the Sindorf drive and does not provide a releasable connection.

Moreover, as noted above, the filtering and backwash flow through the Sindorf filter elements 12, as indicated by the Sindorf structure, is opposite to that provided by the claimed

structure, and a separate fluid (compressed air) is used for backwashing, not filtered fluid from the filter elements, as provided by the claimed structure.

Claim 11 is also distinguishable by the first end part facing the inlet and rotatably guided from the inside surface of the filter housing by a seal. The Sindorf header 3 and footer 2, alleged to correspond to the claimed end parts, do not have one thereof (particularly bearing surface 20) facing its unfiltered fluid inlet 5 and do not have the filter element extending between them. No such arrangement is disclosed or rendered obvious by the Sindorf publication.

Thus, the subject matter of claim 11 is not anticipated or rendered obvious by the Sindorf publication. None of the other cited patents cure these deficiencies in the Sindorf publication.

(3) Claims Dependent on Claim 11

Claims 12, 14 and 15-18, being dependent upon claim 11, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents.

(a) Claim 12

Claim 12 is further distinguishable by the free wheel device having a free wheel sleeve delivering power in one direction up to a set torque and not applying drive torque in an opposite direction. Such arrangement is not shown to be disclosed or rendered obvious by the Sindorf publication. No evidence of the alleged “known technique...to improve similar devices...” is provided. Such unsupported allegations of obviousness are improper.

(b) Claim 14

Claim 14 is further distinguishable by the second housing part having a cavity with an axial extension corresponding to the overall length of each filter element and being above the filter elements. No such cavity is disclosed or rendered obvious by the Sindorf publication.

(c) Claim 15

Claim 15 is further distinguishable by the fluid inlet and the backwash fluid outlet being located in a first part of the housing extending between the filtered fluid outlet and the drive. Such orientation is not disclosed or rendered obvious, particularly since the Sindorf drive is located at the top of the filter housing remote from the fluid inlet 5 and the backwash outlet 8. Thus, the Sindorf fluid inlet 5 and backwash outlet 8 are not between its outlet 6 and drive 4.

(d) Claim 17

Claim 17 is further distinguishable by the arcuate-shaped recess for the reasons discussed below relative to claim 19. Sindorf threaded bores 18 on a common circle do not provide the claimed arcuate recess.

(e) Claim 18

Claim 18 is further distinguishable by the exterior surfaces of filter elements being in fluid communication to allow filtered fluid to be used as backwashing fluid. In the Sindorf device, the exterior of the filter element in the backwashing position is isolated from and is not in fluid communication with the exteriors of the other filter elements.

(4) Claim 19

Similar to claim 11, claim 19 is patentably distinguishable over the Sindorf publication by the claimed structure providing the reverse flow allowing use of the filtered fluid for the

backwashing fluid, rather than a separate fluid as in the Sindorf device. Significantly more than a mere reversal of parts is involved in the proposed modification. This reversal is not obvious, as alleged, and involves structural differences (particularly the backwash position with the filter elements necessarily exposed to the filtered fluid in the housing for the recited flow), rather than a mere difference in the apparatus contents during operation.

Specifically, the Sindorf publication discloses an arrangement in which filtration of the fluid to be filtered entering through inlet 5 passes through the filter elements 12 from the outside to the inside, as shown by the right-hand filter in Fig. 1 and the three right most filter elements in Fig. 4. The filtered fluid then passes through the interior of the filter element, and is conveyed out outlet 6. The filter element shown in the left-hand side of Figs. 1 and 4 is being backwashed by compressed air being forced upwardly through the interior of the filter element causing the debris on the outside of the filter to be discharged through passage opening 25 and out mud drain valve 34, 37. A pneumatic motor formed by a rotary drive 4 is coupled to a clutch plate 13 with kant set 16 and clutch opening 15 with the drive also including a bearing ring 14.

The filtering and backwash flow through the Sindorf filter elements 12, as indicated by the Sindorf structure, is opposite to that provided by the claimed structure, and a separate fluid (compressed air) is used for backwashing, not filtered fluid from the filter elements, as provided by the claimed structure.

Claim 19 is also distinguishable by the first end part facing the inlet and rotatably guided from the inside surface of the filter housing by a seal. The Sindorf header 3 and footer 2, alleged to correspond to the claimed end parts, do not have one thereof (particularly bearing surface 20) facing its unfiltered fluid inlet 5 and do not have the filter element extending between them. No such arrangement is disclosed or rendered obvious by the Sindorf publication.

Claim 19 is further distinguishable over the Sindorf publication by the claimed arcuate-shaped recess by which the fluid inlet is in fluid communication with the inside of the filter elements in the filtration positions simultaneously. In contrast, no arcuate-shaped recess is provided in the Sindorf system in which, as best illustrated in Fig. 4, the inlet 5 passes fluid from the lateral and outside surfaces of the filter elements 11. The Sindorf openings 18 in plate 17 consist “of threaded bores on a common reference circle” (page 9, paragraph 0014, line 3 of USPTO translation), and thus, are not arcuate. Also, Sindorf openings 18 communicate with outlet 6, not inlet 5, contrary to the claimed structure.

Thus, claim 19 is patentably distinguishable over the Sindorf publication.

(5) Claims Dependent on 19

Claims 20, 22 and 23-25, being dependent upon claim 11, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents.

(a) Claim 20

Claim 20 is further distinguishable by the free wheel device having a free wheel sleeve delivering power in one direction up to a set torque and not applying drive torque in an opposite direction. Such arrangement is not shown to be disclosed or rendered obvious by the Sindorf publication. No evidence of the alleged “known technique...to improve similar devices...” is provided. Such unsupported allegations of obviousness are improper.

(b) Claim 22

Claim 22 is further distinguishable by the second housing part having a cavity with an axial extension corresponding to the overall length of each filter element and being above the filter elements. No such cavity is disclosed or rendered obvious by the Sindorf publication.

(c) Claim 23

Claim 23 is further distinguishable by the fluid inlet and the backwash fluid outlet being located in a first part of the housing extending between the filtered fluid outlet and the drive. Such orientation is not disclosed or rendered obvious, particularly since the Sindorf drive is located at the top of the filter housing remote from the fluid inlet 5 and the backwash outlet 8. Thus, the Sindorf fluid inlet 5 and backwash outlet 8 are not between its outlet 6 and drive 4.

(d) Claim 25

Claim 25 is further distinguishable by the exterior surfaces of filter elements being in fluid communication to allow filtered fluid to be used as backwashing fluid. In the Sindorf device, the exterior of the filter element in the backwashing position is isolated from and is not in fluid communication with the exteriors of the other filter elements.

C. The Rejections Under 35 U.S.C. §103 over Sindorf and Wnuk Publications

(1) The Rejection

Claims 13, 16, 21 and 24 stand rejected under 35 U.S.C. §103 as being unpatentable over the Sindorf publication in view of U.S. Patent Publication No. 2003/0213127 to Wnuk. The Wnuk publication is cited for use of conical or frustoconical filter elements that are alleged to be obvious to use in the Sindorf device with the wide part of the conical element opening to the pivot device.

(2) Claim 13

Claim 13 is further distinguishable by the filter elements being conical and arranged in pairs where the filter elements of each pair being diametrically opposite one another in combination with claimed backwash structure.

(3) Claim 16

Claim 16 is further distinguishable by the particular filter elements recited that are not disclosed in the cited patents in combination with claimed backwash structure.

(4) Claim 21

Claim 13 is further distinguishable by the filter elements being conical and arranged in pairs where the filter elements of each pair being diametrically opposite one another in combination with claimed backwash structure.

(5) Claim 24

Claim 16 is further distinguishable by the particular filter elements recited that are not disclosed in the cited patents in combination with claimed backwash structure.

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When no reference discloses a feature of a claim relied on to distinguish the prior art, there can be no suggestion to modify the prior art to contain that feature. In re Civitello, 339 F.2d 243, 144 USPQ 10 (C.C.P.A. 1964). As stated in W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1551, 220 USPQ 303, 311 (Fed. Cir. 1983), there must be something in the teachings of the cited patents to suggest or to provide a reason to one skilled in the art that the claimed invention would be obvious.

Despite the simple concept of the invention, the Examiner has the burden of finding “the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of [the] invention to make the combination in the manner claimed.” See In re Werner Kotzab, 217 F.3d 1365, 1371, 55 USPQ 2d 1313, 1318 (Fed. Cir. 2000). Here, the necessary factual findings are missing, rendering the rejection untenable.

The Examiner, in this situation has not pointed to any specific principle or motivation in the prior art that would lead one skilled in the art to arrive at the invention as claimed. “[P]articular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.” In re Werner Kotzab, 217 F.3d at 1371, 55 USPQ 2d at 1318. If no particular finding can be made as to the reason one skilled in the art would have used the features of the Sindorf and Wnuk publications in the claimed relationships to produce the claimed invention, the Examiner cannot properly hold the claimed invention obvious.

The Examiner is using the Examiner’s knowledge of the invention, in hindsight, to conclude improperly that one skilled in the art would have found it obvious to make the proposed combinations and modifications. However, such “hindsight reconstruction” is impermissible in reaching a finding of obviousness. See, e.g., W. L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

8. Conclusion

In view of the foregoing, the rejections of claims 11-25 under 35 U.S.C. §112 and/or under 35 U.S.C. §103 are untenable, and a decision reversing those rejections is requested.

Respectfully submitted,



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APPENDIX A – COPY OF CLAIMS ON APPEAL

11. A filter device, comprising:

a filter housing having an unfiltered fluid inlet, a filtered fluid outlet and a backwash fluid outlet;

filter elements in said housing receiving fluid flow in one direction for filtration and in an opposite direction for backwashing effective filter surfaces thereof;

a pivoting device mounting said filter elements in said filter housing for sequential rotational movement about a pivot axis between filtration positions in which unfiltered fluid flows from inside to outside through said filter elements and a backwashing position in which filtered fluid flows from outside to inside through said filter elements, said pivot device having a rotatably mounted receiving part mounting said filter elements parallel to said pivot axis along a path coaxial to said pivot axis and having first and second end parts, said filter elements extending between said end parts, said first end part facing toward said fluid inlet and rotatably guided along an inside of said filter housing by a seal; and

a drive being coupled to said receiving part to rotate said receiving part, including a rod-shaped drive part releasably connecting said first and second end parts and including a pneumatic motor producing alternating to and fro movements on an output part convertible into a constant drive movement in a drive direction of said drive part by a free wheel device.

12. A filter device according to claim 11 wherein
said free wheel device comprises a free wheel sleeve delivering drive power of said drive
to said drive part in one direction up to a set torque and not applying drive torque to said drive
part in an opposite direction.

13. A filter device according to claim 11 wherein
said filter elements are conical and are arranged in pairs opposite one another in each pair
relative to said pivot axis, each of said filter elements having an inlet opening facing toward said
drive.

14. A filter device according to claim 11 wherein
said filtered fluid outlet is disposed in a first housing part of said filter housing facing
toward said drive; and
said filter housing including a second housing part being removable from said first
housing part, said second housing part having a cavity above said filter elements toward a free
end thereof with an axial extension corresponding approximately to an overall length of each said
filter element.

15. A filter device according to claim 11 wherein
said fluid inlet and said backwash fluid outlet are located in a part of said filter housing
extending between said filtered fluid outlet and said drive.

16. A filter device according to claim 15 wherein

each said filter element comprises a bar screen tube filter element.

17. A filter device according to claim 11 wherein

a lower part of said filter housing comprises an arcuate-shaped recess over which several of said filter elements can be located simultaneously in filtration positions thereof with lower free open cross sections in fluid communication therewith, said arcuate-shaped recess being in fluid communication with said fluid inlet; and

said lower part of said filter housing also comprises a backwash recess over which said filter elements are sequentially located in said backwashing position with said free open cross sections in fluid communication therewith, said backwash recess being in fluid communication with said backwash fluid outlet.

18. A filter device according to claim 17 wherein

exterior surfaces of said filter elements are in fluid communication with one another allowing filtered fluid from said filter elements in said filtration positions to flow to and through said filter element in said backwashing position as backwashing fluid.

19. A filter device, comprising:

a filter housing having an unfiltered fluid inlet, a filtered fluid outlet and a backwash fluid outlet;

filter elements in said housing receiving fluid flow in one direction for filtration and in an opposite direction for backwashing effective filter surfaces thereof;

a pivoting device mounting said filter elements in said filter housing for sequential rotational movement about a pivot axis between filtration positions in which unfiltered fluid flows from inside to outside through said filter elements and a backwashing position in which filtered fluid flows from outside to inside through said filter elements, said pivot device having a rotatably mounted receiving part mounting said filter elements parallel to said pivot axis along a path coaxial to said pivot axis and having first and second end parts, said filter elements extending between said end parts, said first end part facing toward said fluid inlet and rotatably guided along an inside of said filter housing by a seal;

a drive being coupled to said receiving part to rotate said receiving part; and

a lower part of said filter housing having an arcuate-shaped recess over which several of said filter elements can be located simultaneously in filtration positions thereof with lower free open cross sections in fluid communication therewith and having a backwash recess over which said filter elements are sequentially located in said backwashing position with said free open cross sections in fluid communication therewith, said arcuate-shaped recess being in fluid communication with said fluid inlet, said backwash recess being in fluid communication with said backwash fluid outlet.

20. A filter device according to claim 19 wherein
said free wheel device comprises a free wheel sleeve delivering drive power of said drive
to said drive part in one direction up to a set torque and not applying drive torque to said drive
part in an opposite direction.

21. A filter device according to claim 19 wherein
said filter elements are conical and are arranged in pairs opposite one another in each pair
relative to said pivot axis, each of said filter elements having an inlet opening facing toward said
drive.

22. A filter device according to claim 19 wherein
said filtered fluid outlet is disposed in a first housing part of said filter housing facing
toward said drive; and
said filter housing including a second housing part being removable from said first
housing part, said second housing part having a cavity above said filter elements toward a free
end thereof with an axial extension corresponding approximately to an overall length of each said
filter element.

23. A filter device according to claim 19 wherein
said fluid inlet and said backwash fluid outlet are located in a part of said filter housing
extending between said filtered outlet and said drive.

24. A filter device according to claim 22 wherein

each said filter element comprises a bar screen tube filter element.

25. A filter device according to claim 19 wherein

exterior surfaces of said filter elements are in fluid communication with one another allowing filtered fluid from said filter elements in said filtration positions to flow to and through said filter element in said backwashing position as backwashing fluid.

APPENDIX B - EVIDENCE

None

APPENDIX C – RELATED PROCEEDINGS

None